

10:11 am, Sep 19, 2019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ARLENE SCHROEDER,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiffs,

-against-

ADOPTION ORDER

2:18-cv-02279 (ADS) (AYS)

THE POLISH-AMERICAN POLITICAL
CLUB OF SOUTHAMPTON, NY, INC.
and 230 ELM LLC,

Defendants.

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SPATT, District Judge:

On April 17, 2018, the Plaintiff commenced this action against Defendants The Polish-American Political Club of Southampton, NY, Inc. (“the Club”) and 230 Elm LLC (“230 Elm”) (collectively “Defendants”), alleging disparate treatment and unlawful disability discrimination in violation of the American with Disabilities Act (“ADA”), New York State Human Rights Law (“NYSHRL”), and New York State Civil Rights Law. In particular, the Plaintiff alleges that the Defendants have failed to remove the architected barriers which exist at its public accommodation and have denied her with equal access and treatment.

On August 17, 2018, the Clerk of the Court certified the 230 Elm's default based upon its failure to answer or otherwise appear in this action.

On February 8, 2019, the Plaintiff filed the instant motion for a default judgment.

On February 12, 2019, the Court referred the motion to United States Magistrate Judge Anne Y. Shields for a report and recommendation as to whether the motion should be granted, and if so, what if any relief should be given.

On August 29, 2019, Judge Shields issued a Report and Recommendation (“R&R”) that the motion for default judgment be granted and that the Plaintiff be awarded: (1) a permanent injunction against 230 Elm; and (2) \$4858.50 in attorneys’ fees from 230 Elm.

On September 4, 2019, the Plaintiff filed proof of service.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. *See Coburn v. P.N. Fin.*, No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Court grants the Plaintiff’s motion for default judgment and awards the Plaintiff: (1) a permanent injunction against 230 Elm; and (2) \$4858.50 in attorneys’ fees from 230 Elm. The Plaintiff is directed to submit a proposed judgment setting out the terms of the injunction no later than 14 days from the issuance of this order.

SO ORDERED.

Dated: Central Islip, New York

September 19, 2019

/s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge